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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,730	03/18/2004	Edward P. Busam	100041-41195	6016
27805	7590	12/04/2008		
THOMPSON HINE L.L.P. Intellectual Property Group P.O. BOX 8801 DAYTON, OH 45401-8801				
EXAMINER				
ADDRESSEE, SARA				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
12/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,730

Applicant(s)

BUSAM ET AL.

Examiner

SARA ADDISU

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26, 31-33 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26, 31-33, 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED OFFICE ACTION

This Office Action is in response to the amendment filed 11/17/08. Claims 1, 2, 14-14, 16-21, 27-30 and 34-44 have been cancelled. Currently, claims 22-26 and 31-33 and 45 are pending in this application.

Please note, upon further consideration the allowable subject matters has been withdrawn and prosecution is REOPENED (with new interpretation of HOLLINGWORTH (USP 6,837,346)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 22-26, 31-33 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollingsworth (USP 6,837,346).

Regarding claims 1, 2, 8, 22, 26, 34, HOLLINGSWORTH teaches a binder and method for manipulating a binder comprising: a first cover (Examiner is defining the first cover to be 16, 28 and the area surrounding 28 as a unit); a second cover (18), pivotally coupled to the first cover; both covers being generally flat and planar ('346, Figs. 1-3);

said first cover including a first opening (30); a spine (24) located between and pivotally coupled to the first cover (16) and the second cover (16) about a hinge.

HOLLINGSWORTH also teaches a pocket (86: pocket including a first panel (88) and an opposing side defining a cavity there between and a mouth coupled to said first cover (i.e. portion (28) of said first cover) ('346, FIGURES 1-3). Furthermore

HOLLINGSWORTH teaches a first releasable fastening mechanism (94,94') positioned between the first panel (88) and first cover (i.e. portion 28 of the first cover) ('346, figures 1 and 2). HOLLINGSWORTH also teaches that the movement of panel (28) and pop-pop-out compartment (29) causes pockets (86) to be moved exteriorly outwardly and the opening to the pocket (86) is pivoted away from the first wall (16) (i.e. pocket (86) and its cavity is accessed from the first side by opening panel 30) and since panel 28 will be positioned exteriorly outwardly (i.e. to the left of the first cover's (16) plane).

HOLLINGSWORTH also teaches the first panel defining a plane and having a first and an opposing second side whereby the access to pocket (86) will also be above the first covers' plane thus will not intersect said plane ('346, col. 15, lines 1-15 and figure 2).

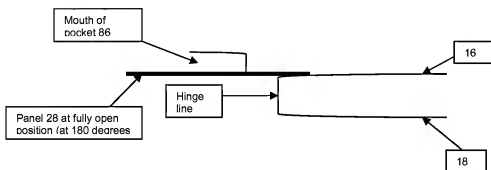
HOLLINGSWORTH teaches the binder being in the fully open position and

HOLLINGSWORTH also teaches pockets (86) protruding interiorly (i.e. to the right of the covers' plane, the pocket and its cavity being accessed from the second side of the first cover and since they protrude interiorly, the access to the pockets will not intersect the plane of the plane) ('346, figures 3 and 4 & col. 14, lines 37-42). Furthermore, HOLLINGSWORTH teaches the fully closed and fully open positions are obtained via pivotal or rotational movement of first cover and/or second cover (18) along a hinge,

pivot or spine formed by left side wall 24 ('346, col. 7, lines 51-54). When the binder is in the open position, the pocket cavity can be simultaneously accessed from both first and second sides of the first cover. When portion (28) is in its fully open position (i.e. pivoted to 180 degrees) such that panel (28) is parallel to the hinge line of the first and second cover, the pocket cavity would also include a mouth oriented "generally" parallel to said pivot line (see figure below).

HOLLINGSWORTH discloses the claimed invention except for a second panel of a pocket and a second fastening mechanism poisoned on or between said second panel and said first cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pocket as a separate piece/casing that is removable, because it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Furthermore, an example of such modification is taught by HOLLINGSWORTH whereby a casing (66) having a first panel (76), a second panel (74), a first releasable fastening mechanism (82,82') positioned between the first panel (76) and first cover (i.e. portion 16 of the first cover) and a second fastening mechanism (84) poisoned on or between said second panel (76) and said first cover (i.e. portion 16 of the first cover) ('346, figure 3 and col. 12, line 37 through col. 13 line 43). HOLLINGSWORTH also teaches the added advantage of having a separate pocket/casing such as (66) for the purpose of the capability to selectively remove or detach it to be used independently of the carrying case binder ('346, col. 13, lines 34-43) The receptacle 66 can have any configuration or

dimension and can be designed with a particular configuration and dimension to receive a particular type of object including an electronic device.



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/

Examiner, Art Unit 3724

12/01/08

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724